

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
)
v.) Case No. 1:05-cr-68-RDA-1
)
)
NICK HALTEH,)
)
)
Defendant.)

**CONSENT MOTION TO UNSEAL
CERTAIN DOCKET ENTRIES AND FOR RELATED RELIEF**

The United States, by and through its undersigned counsel and with the consent of the defendant, respectfully moves this Honorable Court to unseal certain docket entries in their entirety and to replace others with redacted versions before unsealing them. In support thereof, the government states as follows:

1. On September 14, 2023, a grand jury sitting in the Eastern District of Virginia returned a Third Superseding Indictment charging the defendant, Nick Halteh, with one count of using, carrying, brandishing, and discharging a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. §§ 924(c)(1)(A) and 2. Docket Entry (“DE”) 297.
2. On October 18, 2023, the government filed a consent motion for entry of a protective order, DE 306, which the Court granted that same day, DE 307. The Protective Order authorized the government to mark as “Protected Material” certain materials being produced to the defendant pursuant to its discovery obligations. *Id.* at 1. The Protective Order placed restrictions on any discovery designated as such, including a prohibition on the defense from “disseminat[ing] the Protected Material” by “post[ing] such information on . . . the Court’s public-filing system.” *Id.* at 2.

3. In the course of this litigation, the government produced or otherwise provided Protected Material to the defendant, some of which he subsequently included in sealed filings and exhibits thereto. The government, too, submitted certain exhibits to its filings under seal. In a recently issued, sealed Memorandum Opinion and Order, DE 416, the Court cited and, in a few instances, quoted from the aforementioned documents that it had sealed at the government's request.

4. On September 6, 2024, the defendant waived indictment and pled guilty to a single-count Criminal Information charging him with using and carrying a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A).

5. At this juncture, the government believes that several of the previously sealed filings and exhibits can be unsealed in their entirety and that others can be unsealed provided that they are first replaced with suitably redacted versions. In particular, the government asks the Court to unseal in their entirety the following docket entries: 368, 368-3, 371, 371-1, 371-2, 371-3, 371-6, 371-9, 371-10, 400-3, and 416. Additionally, the government asks the Court to replace the following docket entries with redacted versions before unsealing them: 368-1, 368-2, 371-4, 371-5, 371-7, 371-8, 371-11, 400-1, and 400-2.¹

6. The defendant's counsel, Bernadette M. Donovan, Esq., has reviewed this motion and affirmed that she consents to the relief it requests.

For the foregoing reasons, the government respectfully requests that the Court enter an order, in the same or substantially the same form as the proposed order included herewith,

¹ Contemporaneously with the filing of this motion, the government is submitting directly to chambers versions of the documents bearing appropriate redactions to obscure sensitive information, including personal identifying information covered by Rule 49.1(a) of the Federal Rules of Criminal Procedure and various individuals' personal phone numbers and email addresses.

directing the clerk's office to unseal certain docket entries in their entirety and to replace others with redacted versions before unsealing them.

Respectfully submitted,

Jessica D. Aber
United States Attorney

By: _____ /s/
Alexander E. Blanchard
Nicholas A. Durham
Assistant United States Attorneys
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, Virginia 22314
Tel: (703) 299-3700
Fax: (703) 299-3982
alexander.blanchard@usdoj.gov
nicholas.durham@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/
Alexander E. Blanchard
Assistant United States Attorney